

IN THE SUPREME COURT OF THE STATE OF NEVADA

BEAZER HOMES NEVADA, INC., A  
DISSOLVED NEVADA CORPORATION;  
BEAZER HOMES HOLDINGS CORP., A  
NEVADA CORPORATION; AND  
BEAZER HOMES USA, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
KENNETH C. CORY, DISTRICT  
JUDGE,

Respondents,

and

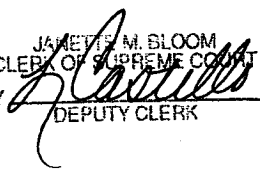
DANIEL BOLSTER AND SHARON  
BOLSTER,

Real Parties in  
Interest.

No. 50170

FILED

SEP 14 2007

JAMETTE M. SLOOM  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER DENYING PETITION AND DENYING MOTION FOR STAY

This original petition for a writ of mandamus challenges a district court bench order denying petitioners' motion to dismiss the complaint below. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.<sup>1</sup> See NRAP 21(b).

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<sup>1</sup>We note that petitioners indicate that they intend to supplement the petition. However, we are satisfied that the petition currently before the court is sufficient to determine whether writ relief is appropriate in this matter.

This court generally will not exercise its discretion to consider writ petitions that challenge orders of the district court denying motions to dismiss. State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 662 P.2d 1338 (1983). We have allowed very few exceptions where considerations of sound judicial economy and administration militated in favor of granting such petitions, and in cases where no disputed factual issues exist and, pursuant to clear authority under a statute or rule, the district court is obligated to dismiss an action. Smith v. District Court, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997). It does not appear that such circumstances exist here. Further, we note that it appears this court can review the district court's denial of petitioners' motion to dismiss the complaint on direct appeal from any adverse final judgment. NRAP 3A(b)(1); see Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (stating that interlocutory orders entered prior to final judgment may be heard on appeal from final judgment). Accordingly, we deny the petition.<sup>2</sup>

It is so ORDERED.

Hardesty, J.  
Parsons, J.                      Libbons, J.

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<sup>2</sup>Petitioners have also moved for a stay of the district court proceedings pending this court's decision on the writ petition. In light of the instant order resolving the petition, we deny the motion for stay as moot.

cc: Hon. Kenneth C. Cory, District Judge  
Koeller Nebeker Carlson & Haluck, LLP  
Terry L. Wike  
Eighth District Court Clerk